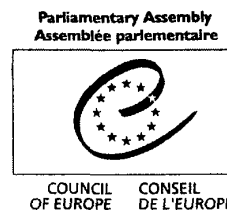


Parliamentary **Assembly**
Assemblée parlementaire

Europarådet
ERD alm. del - Bilag 180
Offentligt



AACR14

AS (2006) CR 14
Provisional edition

2006 ORDINARY SESSION

(Second part)

REPORT

Fourteenth sitting

Thursday 13 April 2006 at 10 a.m.

In this report:

1. Speeches in English are reported in full.
2. Speeches in other languages are summarised.
3. Speeches in German and Italian are reproduced in full in a separate document.
4. Corrections should be handed in at Room 1059A not later than 24 hours after the report has been circulated.

The contents page for this sitting is given at the end of the verbatim report.

Mr van der Linden , President of the Assembly, took the Chair at 10.05 a.m.

THE PRESIDENT.– The sitting is open.

1. Minutes of proceedings

THE PRESIDENT.– The minutes of proceedings of the twelfth sitting have been distributed.

Are these minutes agreed to?

The minutes are agreed to.

The minutes of proceedings of the thirteenth sitting have not yet been distributed. They will be adopted at a later sitting.

2. Time limit on speeches

THE PRESIDENT.– Because of the number of speakers wishing to participate in the debate on “Refugees and displaced persons in Armenia, Azerbaijan and Georgia” this afternoon, I propose that speaking time in that debate should be limited to three minutes. I further propose that the time limit for speeches on amendments in that debate should be limited to thirty seconds. For all other debates today, speaking time will be limited to four minutes, as we agreed on Monday, and to one minute for speeches on amendments.

Is that agreed to?

It is agreed to.

3. Organisation of debates

THE PRESIDENT.– This morning the business is very full. The first item of business will be on “Follow-up to the 3rd Summit: relations between the Council of Europe and the European Union”. In the joint debate there are 26 speakers, and five amendments to consider. We will have to interrupt the list of speakers in the debate at about 11.35 a.m. to allow time for the replies and votes.

At 12 noon there will be a debate under urgent procedure on “Belarus in the aftermath of the presidential election of 19 March 2006”, for which there are 15 speakers, and seven amendments to consider. We will have to interrupt the list of speakers in the debate at about 12.40 p.m. to allow time for the replies and votes. We must finish by 1 p.m.

Are these arrangements agreed?

They are agreed.

4. Follow-up to the 3rd Summit: relations between the Council of Europe and the European Union

THE PRESIDENT.– The first item of business this morning is the joint debate on “Follow-up to the 3rd Summit: relations between the Council of Europe and the European Union”, with the presentation by Mr Kosachev of the report of the Political Affairs Committee on the “Memorandum of Understanding between the Council of Europe and the European Union”, Document No. 10892, and the presentation by Mr Marty of the report of the Committee on Legal Affairs and Human Rights on “The Council of Europe and the Fundamental Rights Agency of the European Union”, Document No. 10894.

That will be followed by a statement from Mr Elmar Brok, Chairperson of the Committee on Foreign Affairs of the European Parliament.

The list of speakers closed at 5.30 p.m. yesterday. There are 26 names on the list. Five amendments have been tabled to “Memorandum of Understanding between the Council of Europe and the European Union”, Document No. 10892. No amendments have been tabled to “The Council of Europe and the Fundamental Rights Agency of the European Union”, Document No. 10894.

I call Mr Kosachev, rapporteur. You have eight minutes.

Mr KOSACHEV (*Russian Federation*) said that the Assembly was discussing the relationship between the Council of Europe and the European Union for the second time that week. It was very topical. He believed that the outcome of discussions would depend on how the European Union defended human rights and the rule of law. The Assembly was considering three documents: the first was a Memorandum of Understanding by the British Presidency of the European Union, which had not yet been sent to the Assembly. The second was a position paper by Mr van der Linden and the third was a paper by Mr Juncker. The Council of Europe had a vision for how the relationship between the two institutions should be managed, but there was no guarantee that that vision had been taken into account when the British Presidency compiled its Memorandum of Understanding.

The Council of Europe and the European Union shared common values and principles. Frequently it appeared that they had the same precepts and powers, but that was not the case. It was important to look at what separated the Council of Europe from the European Union rather than what made the two organisations similar. It would not be appropriate to rank the organisations in terms of the importance of their work or its quality. The advantage of the European Union was its integration and that of the Council of Europe was its breadth. A dialogue was needed, but it had to be undertaken on an equal footing. The relationship should not be akin to that between a teacher and the pupil.

There was no monopoly on the truth. Balzac once said that if one said the same thing all the time, one would always be right. The Council of Europe could not simply absorb the decisions of other institutions, to which it had made no contribution. Instead the organisations should ensure that their work was dovetailed and that they co-operated. The Council of Europe needed to defend the interests of countries that were not in the European Union. It had to concentrate on the rights of minorities, particularly those from non-European Union backed countries. Mark Twain said that if one realised that one was in the majority, possibly it was time to change sides. That which could be considered good neighbourly relations for the European Union was part and parcel of the work of the Council of Europe.

Rather than attempting to export democracy across the world, the European institutions needed to foster the optimum conditions to import it. The main principles of the relationship between the Council of Europe and the European Union were legal co-operation and standard setting. Everyone in Europe would benefit from the participation of the Council of Europe in the European Union and the Council of Europe needed to promote the participation of the European Union in its work, for example, by opening an office of the European Commission in Strasbourg. In many areas the two organisations worked together but they should not work in parallel.

THE PRESIDENT. – Thank you. I call Mr Marty.

Mr MARTY (*Switzerland*) said that he was speaking in place of the rapporteur, Mr Jurgens, who had been unable to attend at the last minute. The Committee on Legal Affairs and Human Rights fully supported the text of Mr Jurgens's report. The fact that it was being put to the Assembly without amendment proved that it had unanimous backing. The committee rejoiced that the European Union and the European Parliament took an interest in human rights. He thought that the setting up of a new European Union agency to look at human rights was necessary and useful. There was no reason why Community law should not be subject to vigilance on human rights issues. However, he would be concerned if the European Union wanted to turn the new agency into an organisation that ignored the work of the Council of Europe. All countries of the European Union had been members of the Council of Europe for some time. He foresaw a credibility problem for all European institutions. Human rights were not a commodity or a service but a set of values. It would be devastating if different agencies interpreted these values differently. Values would lose their substance and strength if that happened. The report supported the creation of an agency, but insisted that its function must be complementary to the work of the Council of Europe.

His proposal was coherent with the outcome of the Warsaw Summit where all EU member states had been represented. It was also coherent with what Mr Juncker had presented in such a brilliant way. He believed that the agency should restrict itself to human rights issues within the European Union area. It should not pursue initiatives concerning third countries, except in respect of candidate countries if the issues were relevant to the accession process. It was important to co-ordinate efforts and respect the different roles of different institutions. That was not an arrogant position, but one which respected previous generations who had served on the Council of Europe and created the Court of Human Rights, thereby allowing the continent to become a better civilisation. It was also a question of respect for taxpayers who would not understand if in neighbouring bodies there was duplication and perhaps contradiction. There needed to be awareness in European Union national parliaments of the importance of a human rights agency, but of the dangers of it having a strained relationship with the Council of Europe. He was in favour of subsidiarity and complementarity. One must take a courteous but firm position.

THE PRESIDENT called Mr Brok, Chairperson of the Committee on Foreign Affairs of the European Parliament. He said that he was glad to have such a political heavyweight in the Assembly. Much had changed for the European Union following enlargement. With a crisis in Europe, the Assembly was particularly useful. It could get closer to the grassroots because it supported fundamental rights. It was a pleasure to have listened to Mr Juncker, Mr Popescu-Tăriceanu and Mr Schüssel earlier in the week. What they said had given strength to the Assembly's position and had indicated concrete proposals that could be followed up. The proposals were matters not just for the Council of Europe and the European Union, but for national parliaments too.

He was delighted to welcome Mr Brok, who had been a member of the European Parliament since 1980 and who had worked outstandingly in the Convention on the Future of Europe. He hoped that work towards a European basic law would continue. Co-operation between the European Union and the Council of Europe, in particular their two political committees, was important and should be strengthened.

Mr BROK (*Chairperson of the Committee on Foreign Affairs of the European Parliament*) said it was a pleasure to be in the Assembly. In Zurich during 1946, Winston Churchill had called for European integration. At the time he was a member of the opposition party in Great Britain and of the Parliamentary Assembly of the Council of Europe. From the start the Council of Europe and the European Union had achieved successes in the field of human rights and democracy. The two bodies should continue to set new priorities in those areas. The Council of Europe now covered territory far beyond that of the European Union, and the European Union was absorbed in work towards creating the single market. Russia was soon to take the helm of a major European institution for the first time. That signalled the kind of role that the Council of Europe would play in the future.

Hitherto co-operation between the European Union and the Council of Europe had been confined to the technocratic level. There were exchanges of letters and a meeting twice a year, but it was time to review the fact that there was no parliamentary dimension to those meetings. At the 2005 summit a new framework was agreed for human rights, democracy and the rule of law. That had led to work on a Memorandum of Understanding which would allow the European Union to make better use of the Council of Europe's legal order and for the Council of Europe to enjoy better relations with the European Union. He believed that the Assembly and the European Parliament had a role to play in reviewing and amending the Memorandum of Understanding in the future.

Mr Marty had spoken of an agency for fundamental rights. He himself was against any form of duplication and agreed with Mr Juncker that it should look only at the internal affairs of the European Union. Articles 6 and 7 of the draft Constitutional Treaty stated that there should be no discrimination in the fields of human rights and the rule of law. The agency for fundamental rights should look only at that issue. There were already enough reports on human rights and there was a human rights court in the Council of Europe. The problem was more to do with policy making, for instance how to include human rights in trade agreements.

It was necessary to move away from fine words and to build on the initiatives arising in the European Parliament and the Assembly. Mr Juncker had said that it was important for the European Union to accede to the European Convention on Human Rights. The Convention on the Future of Europe had proposed that that should happen and he hoped that before 2009 it would happen. If not, the member states of the European Union should work on the basis of Article 48 of the European treaties and member states should ratify the necessary legal instruments to enable the European Union to join. If the European Convention on Human Rights was operative law, it was only on the basis of Council of Europe institutions. Likewise violations of European Union law were dealt with by the European Court of Justice. The European Convention on Human Rights created a consistent body of law for the whole continent. If the European Union was to establish its own human rights charter that would only make sense by reference to the case law of the European Court of Human Rights.

The Juncker report had surprised many people on the European Union side with its sense of optimism and its far reaching proposals. There would not be a reply until the June 2006 European Council. He suggested to the President that they meet in the context of their respective foreign affairs committees. Members of the European Parliament were directly elected whereas members of the Assembly had dual mandates. However, they were all democratically legitimate unlike the institutions in Brussels. He looked forward to closer relations with the Assembly.

THE PRESIDENT thanked Mr Brok and stated that he was a true and committed European. There were many people in the chamber who had conviction and ideals. Conviction was very important. He hoped that the debate would help to bring about further co-operation between the European Union and the Council of Europe, and would bring the two institutions back into the heart of Europe.

(The speaker continued in English)

I call Mr Walter on behalf of the European Democratic Group.

Mr WALTER (*United Kingdom*). – I congratulate both rapporteurs on their excellent reports and resolutions. On behalf of the European Democratic Group, I welcome Elmar Brok. His presence demonstrates the essential complementarity between our two Parliamentary Assemblies.

Reference has been made to our debate earlier this week and to the Juncker report. It is worth quoting the first two sentences: "The Council of Europe and the European Union were products of the same idea, the same spirit and the same ambition. They mobilised the energy and commitment of the same founding fathers of Europe."

Winston Churchill has also been referred to. You, Mr President, were at the Palais Rohan on Tuesday evening when we presented the European Museum Prize to the Churchill Museum in London. We were reminded that this grandfather of Europe was offered the presidency of this Assembly in its early days. He also envisaged the European Union that we know today in his phrase – often misquoted – about a united states of Europe.

I believe that Churchill's conception would have seen a Europe of concentric circles, with Strasbourg at the centre, and with the 25 member states of the European Union in the first circle, surrounded by the 46 member states of the Council of Europe. There should be an institutional structure without conflict but with complementarity, a structure that has no competition or duplication of institutions.

I sense however that there is conflict; there is conflict over the Fundamental Rights Agency proposal; there is conflict over the European Neighbourhood Policy. Those are areas in which this body has exerted itself over many years. The two resolutions produce no resolution to that conflict.

We have this week discussed some of the Council of Europe's budget problems. The Court of Human Rights has become the most successful of the European institutions, so successful that there are thousands of outstanding cases and a four-year delay in being heard. That body brings together the 46 nations of the Council of Europe, and it has this year employed 46 new lawyers, putting pressure on our budget.

Yet, the 25 states of the European Union believe that there is a need for a Fundamental Rights Agency. If they also believe in human rights, which they clearly do as they ask the Court to expand its work, and if they believe in fundamental rights in the European Union, why will they not allocate the resources that are going to the Fundamental Rights Agency to improving the work of the Court of Human Rights and the Commissioner on Human Rights here in Strasbourg?

I believe that we should have complementary overlap, not competition and duplication. I believe in concentric circles.

THE PRESIDENT. – Thank you. I call Mr Kox on behalf of the Group of the Unified European Left.

Mr KOX (*Netherlands*). – Mr Kosachev's report deals with the Memorandum of Understanding between the European Union and the Council of Europe, whereas Erik Jurgens's report discusses the possibility that the former should take over parts of the core business of the latter. These are important matters, as was shown by the presence on Tuesday of no fewer than three European prime ministers and the President of the European Commission. I congratulate you, Mr President, and Secretary General Davis on that result, bearing in mind that the Prime Ministers of Spain and Turkey will be here in June, and the President of Russia, and perhaps the Pope, in October. Who will dare to say that all these very important persons would come to a not very important Organisation?

The Council of Europe is important. That is not because of its financial means – we hardly have any – but because of its statutory mandate, at the heart of which lies the promotion and protection of human rights, democracy and the rule of law. It was a wise decision of the Warsaw Summit, therefore, to

develop a new framework for enhanced co-operation and interaction between the Council of Europe and the European Union in these areas, as Rapporteur Kosachev recalls.

The European Union, too, is important because of its huge political, financial, economic and other means and because 25 of our 46 member states participate in it. A Memorandum of Understanding is therefore very much required. But, as the President of the Assembly said in his opening speech, it was a great mistake not to invite this Assembly to discussions on the draft memorandum. Our group fully supports the proposal that the Assembly must be consulted formally and our opinions fully reflected before the Memorandum of Understanding is concluded.

The Council of Ministers and the Council of the European Union and its Commission must accept that this Organisation has a parliamentary dimension that cannot be put aside, as has happened in the case of the memorandum as well as in the decision on the EU's Fundamental Rights Agency. The role of national parliaments and of this Assembly have not been properly acknowledged although several parliaments expressed serious reservations about the agency and this Assembly said in Resolution 1427 that such an agency could be supported only if and when a useful role and field of action were defined so that it would genuinely fill a gap.

My group supports the proposal to postpone a final decision on the agency until there is clarity about the accession of the European Union to the European Convention on Human Rights and until the Memorandum of Understanding is agreed to. To be honest, it is not clear to us why the agency – the result of an overnight decision of the European Council – should become a reality. It would be far better if the €15 million budget was given to the Council of Europe, its Assembly, its Court and its Commissioner for Human Rights. Then, we really could avoid duplication of our work.

The European Left supports both the reports and takes a positive stance on most of the proposals of the Juncker report. That creative and well-balanced report is an effective answer to those in the European Union who seem to advocate a new sort of EU imperialism that could harm the Council of Europe and therefore do harm to the pan-European dialogue in this Council and its institutions. I hope, Mr Brok, that the European Parliament will be our ally against EU imperialism and will respect the work of the Council of Europe and its Assembly on democracy, human rights and the rule of law.

THE PRESIDENT. – Thank you. I call Mr Severin on behalf of the Socialist Group.

Mr SEVERIN (*Romania*). – The establishment of a mechanism for promoting, updating and even democratising democracy, and the institutionalisation and structuring of the relations between the Council of Europe and the European Union are the most important decisions of the last Council of Europe summit, and they should be followed up and enhanced.

The Juncker report should be considered not only the basis but the minimum standard for the co-operative mechanisms between the European Union and the Council of Europe. That should be properly reflected in the Memorandum of Understanding.

One has to ensure a fair and functional balance between speed and substance in building the political and legal framework for co-operation between the Council of Europe and the European Union. If the Memorandum of Understanding cannot be given sufficient substance within a reasonable period, we could include in it procedural means for us to build steadily what I would call a confederative body integrating the two bodies. Irrespective of the nature of the Memorandum of Understanding, we should exclude the possibility of its being treated *à la carte*. *Pacta sunt servanda* should be its founding principle.

The Juncker report uses two concepts which are at the same time encouraging and worrying: co-operation and complementarity. Those are two very good concepts, but we have to accept that the two organisations are unequal. The Council of Europe is bigger in terms of membership but weaker in terms of financial resources. If co-operation means giving unequal organisations equal opportunities to act in any field, it means that the one that is more powerful in resources will eventually prevail.

If complementarity means that each of us could take the initiative in any field, claiming that by doing so we add value to the other, the more resourceful and not necessarily the more skilful organisation will prevail. There is a huge need to delineate the competencies and areas of speciality. From that perspective, I think that the Council of Europe should be recognised within the European order as having the role and competence to, first, establish the hardware of the European order, such as human rights, the rule of law and democracy, including intercultural dialogue, and, secondly, to articulate the political action of EU and non-EU states within a single space of democratic values and democratic security. The EU

should be recognised as having the exclusive power to establish the software of the European order – good governance of freedoms and of the common interest. Each of us should develop our external action along those lines. At the same time, we should unify the standards, the rules and the jurisdiction in the field of human rights.

Finally, we have to support the Romanian Government's initiative to establish an inter-organisational group to monitor the enhancement of the Juncker report. To that I would add some working groups, on competencies, on subsidiarity, on external action and neighbourhood policy and on mechanisms and means. We have to base everything on an approach using the three Cs – communication, co-ordination and co-operation. This will associate the *animus cooperandi* with a real *affectio societatis*.

THE PRESIDENT. – Thank you. I call Mr Van den Brande on behalf of the Group of the European People's Party.

Mr VAN DEN BRANDE (*Belgium*). – Someone was asking me yesterday whether there is any problem between the Council of Europe and the European Union. They said, "Aren't you working for all Europeans and to preserve the standards that we share in government?" My answer was, "Of course, when there is the political will to do so, there is not a problem." Our responsibility is not to avoid a fight between institutions. As Mr Juncker has said, we have to avoid stupid duplication – I do not know whether there is such a thing as intelligent duplication. We have to avoid what is not appropriate and preserve what we want.

In general terms, our colleague Mr Lintner will develop on behalf of our group a restrictive and conditional approach in relation to the European Fundamental Rights Agency.

On the Memorandum of Understanding, I congratulate our good colleague Mr Kosachev. My group agrees with the proposals. We have read the report and recommendation and listened to what was said here by Jean-Claude Juncker, by the Prime Minister of Romania and by Chancellor Schüssel about the need to go further. I say to the Romanian presidency: please go ahead. We have to maintain the momentum that we have seen this week, and go from rhetoric to concrete action. If possible, we can work on that between this Easter Sunday and the next.

We have to seek out the essentials of the Juncker proposals. I will not go into detail, but my group think it important that the Council of Europe is the continental reference for human rights. However, that has consequences for the European Neighbourhood Policy, the Venice Commission, the monitoring proceedings and the democratic forum.

In the draft Memorandum of Understanding we want to see the position of the Commissioner for Human Rights as a reference for the European Union as well as for the Council of Europe. It must contain essential points about a common platform, institutional relations and a common agreement. Other points will take more time; I am thinking of access to the Convention, of which we are in favour. There is also access to the Council of Europe – we can think about that. The Assembly will be able to consider the draft memorandum in an autonomous evaluation. We want the text to reflect our concerns, then we can go ahead and pick up the momentum. We should go for content, not rhetoric.

THE PRESIDENT. – Thank you. I call Mrs Severinsen on behalf of the Alliance of Liberals and Democrats for Europe.

Mrs SEVERINSEN (*Denmark*). – Since the Warsaw Declaration we have been discussing the Memorandum of Understanding. As my colleague just said, now is the time to discuss its contents rather than who comes first. We all enjoyed Mr Juncker's presentation of his report. It contains many good ideas. We hope that those will be taken on board in the Committee of Ministers and that they will be the basis of discussion among parliamentarians here, back in our own parliaments and in the European Parliament.

I thank the two rapporteurs who have made it possible for the Parliamentary Assembly to have a substantive debate on all the problems that are arising, including those associated with the European Fundamental Rights Agency.

The Juncker report says that the Fundamental Rights Agency should deal solely with Community law. That seems justified if the agency is intended merely to fill a gap in the European Union, but suspicion arises when we learn that the predicted budget will exceed the entire budget of this Organisation. Moreover, we have a serious budget problem nowadays. Is the Council of Europe to be on a starvation

diet while a grander agency receives all kinds of resources? If there is to be competition of that nature, we in the Alliance of Liberals and Democrats for Europe want light to be cast on what is going on. We want to discuss the reality rather than just hearing nice words about avoiding duplication.

We shall strive continuously to streamline our own work, but we must not be naïve. All delegations should discuss this with their home governments, especially those that are members of both the European Union and this Assembly.

What do we wish for? We already have the necessary mechanism. The European Union should accede to the human rights conventions as a first step. Democracy, human rights and the rule of law are the core values of our Organisation. We do not need a neighbourhood policy, because what the European Union calls a neighbourhood policy is something that we already have. Many of the countries involved are members of the Council of Europe.

Parliamentarians should discuss with their governments how we can avoid unfortunate competition. Human rights values are indispensable, and should be held by all European countries. We should use the ideas presented by Prime Minister Jean-Claude Juncker. We want co-operation and involvement from the Council of Europe, not competition and duplication.

THE PRESIDENT. – Thank you. I call Mr Steenblock.

Mr STEENBLOCK (*Germany*) said that it had been a good week for Europe in Strasbourg. It would have been even better if the current debate had been linked to that held on Tuesday. He was grateful to Mr Brok for the stress that he placed on the need for co-operation between the institutions. If they were effective together on human rights, there could be no competition. He was convinced that many people in the European Parliament did dedicated human rights work, but that did not remove the need for clarity about the roles of the Council of Europe and other European institutions in the field. The Council of Europe did its work very efficiently and competently with very limited resources. It had a worldwide reputation for defending human rights. Even now its budget was insufficient. The new agency would have €30 million and would use up precious resources. He wondered how the extra spending could be justified. The European Court of Human Rights and the Commissioner needed to be reinforced not undermined. The Vienna Commission was doing useful work on racism and xenophobia and that needed to continue. He wanted an efficient use of money, not overlap. Germany would not be supporting the creation of a new agency and he wanted other countries to take a similar stance.

THE PRESIDENT (Translation). – Thank you. I call Mr Schreiner.

Mr SCHREINER (*France*) said that Mr Juncker's report was a milestone for the future of the Council of Europe and it should be dealt with energetically. It was balanced and supported the continued existence of the Council of Europe. It was unlikely to receive much opposition because it had been drawn up by a man who was intimately involved in the structure of the European institutions. He wished to make three remarks. Firstly, if the institutions were to get to know each other better, they should meet more often. Their presidents should meet every time a matter of interest in the field arose. Such meetings would prevent duplication of effort. They would also enable a good look at the structures of Europe and might therefore prevent the creation of unnecessary new agencies. The political groups from the two institutions should also meet. Secondly, there needed to be clarification of the political rights of the Council of Europe. It had to be the primary organisation looking at human rights. Thirdly, the Council of Europe could only perform its functions if it had the financial wherewithal to do so. He wanted to avoid unnecessary expenditure. It was not sensible to establish new structures that would eat into scarce resources. For a number of years the Council of Europe had been in receipt of a stagnant shoestring budget and was being condemned to a slow death.

THE PRESIDENT (Translation). – Thank you, Mr Schreiner. I call Ms Christoffersen.

Ms CHRISTOFFERSEN (*Norway*). – I thank Mr Kosachev and Mr Jurgens for their constructive reports, which I fully support.

The current process of finalising a Memorandum of Understanding between the European Union and the Council of Europe will greatly benefit from the input by Mr Juncker and these two reports. I hope that Mr Juncker's report will be taken fully into account in this ongoing process.

The relationship between the European Union and the Council of Europe is of course a crucial element in all discussions on Europe's future. The European Union and the Council of Europe follow the same dream – that of a peaceful, democratic and prosperous Europe. We share basic ideas and values. We seek to improve our societies and the lives of our citizens based on the rule of law, democracy and human rights. We seek to assist and influence countries around us to move in that direction.

I therefore believe that it is high time that the Council of Europe and the European Union initiated even closer co-operation – a full partnership in which we pursue our common goals more effectively.

Any close relationship entails risk. One risk is that partners do not quite agree on who should do what and when, and who does what best. There is also the danger of duplication and overlap. That means frustration and inefficient use of resources, both human and financial. When the Council of Europe in general, and the European Court of Human Rights in particular, are suffering from lack of resources, that would not be permissible. It would be seen by our electorates as waste and it would strengthen the suspicion of self-sustaining bureaucracies. Therefore, I join all those who have a certain scepticism towards the European Union Fundamental Rights Agency.

The danger of duplication and overlap is real not only with the institutions of the Council of Europe, but in relation to the work done in the field of human rights by the United Nations. Our governments have recently finished negotiations and created a new human rights council with a broad global mandate.

The United Nations also suffers from underfunding and zero-growth budgets, even though challenges and expectations are ever increasing. If we are to continue to tell the UN to be more relevant, it will be appropriate to develop a close relationship with the UN human rights machinery and to allow the UN enough resources to do what it is supposed to do – promote, protect and monitor human rights in all UN member countries – instead of creating new European organs.

The questions raised by Mr Jurgens's report are therefore legitimate. We may not need new forums; rather, we need to make existing forums more effective and better financed. However, if the new Fundamental Rights Agency is to be a reality, it should avoid any duplication. It should be self-evident that the Council of Europe must be represented in its governing bodies.

The European Union also needs to address what Mr Jurgens correctly points to as the main lacuna in today's European human rights structures: the fact that the EU itself is not subject to the jurisdiction of the European Court of Human Rights. To change that would be to make a real contribution to the creation of a European human rights system that is efficient and without competing or conflicting jurisprudence. Human rights are too important for that.

THE PRESIDENT (Translation). – Thank you, Ms Christoffersen. I call Mr Badré.

Mr BADRÉ (*France*) said that two days previously he had spoken to Mr Barroso and had expressed regret at the halting development of Europe. The President needed to focus on making sure that all the institutions were working towards common ends. He was very grateful to Mr Juncker for his report, which helped to reinforce the fight for human rights being carried out by the Council of Europe. The countries that had joined the Council of Europe after 1949 had breathed new life into it. If people wanted to build peace they would first have to learn how to work together. The Council of Europe had important cultural and educational strengths. In an excellent report, the rapporteurs suggested a clarification of the role of the two institutions. The French Government looked positively on the accession of the European Union to the Human Rights Convention.

He was sceptical about the creation of a new agency because he thought it would cause duplication and conflict. The Council of Europe already had less money than the new agency. Funds designated for the new agency should instead go to the European Court of Human Rights. The French people were baffled by the multitude of European institutions which existed. They wanted to understand Europe and needed clarity. The creation of a new agency suggested that the Council of Europe had failed. He asked why Europe did not improve existing organisations instead of replacing them.

THE PRESIDENT (Translation). – Thank you. I now call Mr Lintner.

Mr LINTNER (*Germany*) said that the last heads of state meeting in Warsaw established the need to strengthen the Council of Europe's role with respect to human rights and the rule of law.

It made no sense for the European Union to overlap with the Council of Europe. The only legal relevant gap was the question of the European Union acceding to the European Convention on Human Rights. Mr Juncker's suggestions were pertinent and he hoped that by 2010 the European Union would have become a member of the Council of Europe.

All current plans for the European Union institutions should be examined in the light of that aim. If it did come to fruition, the European Union would come under the protection of the Council of Europe. That was necessary as its own Fundamental Rights Agency would only have powers to recommend. He argued that an agency would cause confusion and uncertainty in the minds of citizens, it would cause duplication and would lead to states playing off the two institutions against one another. Many colleagues had argued that the difference in the available resources would mean that the Council of Europe institutions would be sidelined. He was not surprised at the reservations felt by many national parliamentarians. It was important to convince national governments that the agency should not be set up. He agreed that the introduction of the agency should be postponed and that the European Union should join the Council of Europe by 2010, in which case the agency would become superfluous.

THE PRESIDENT (Translation). – Thank you. The next speaker is Mr Hunault.

Mr HUNAUULT (*France*) said that human rights were the basis of the Council of Europe. He had heard Mr Juncker and Mr Barroso pay tribute to the work of the Assembly on human rights. Yet today he had been asked for an opinion on the establishment of a European Union Human Rights Agency. He had reservations about such an agency. Terry Davis had said that the Assembly did not have enough resources, yet the agency would cost €30 million. Members should fight to promote the work of the Council of Europe, because it had everything which was needed to defend human rights. The Council of Europe was the conscience of Europe because it defended human rights at times such as the present, when humanity was facing real challenges. It was important to fight against an agency that would eat up resources and whose purpose escaped him. In the changing European architecture, one should ensure that the work of the Assembly was backed up at the national level. Too many resolutions became dead letters. Rather than make new instruments, one should reaffirm existing ones.

THE PRESIDENT (Translation). – Thank you. I now call Mr Wodarg.

Mr WODARG (*Germany*) said that the Council of Europe's job was to work on behalf of 46 countries, which he hoped would soon become 47. Its job was to safeguard human rights, to develop democratic rules and to be the guardian of the rule of law. To do this, there were monitoring institutions and a corrective machinery. Yet these institutions were being forced into starvation. The Court of Human Rights had a budget of €1.5 million which was not enough to secure its operations. He wondered how, as a representative of a member state of the European Union, he should sell the agency to his people. The European Union was proposing to spend ten times more money than the Human Rights Commission to set up a contact office in Vienna. If the idea was that this would act as a supervisory body, he reminded the Assembly that his government was already supervised by the Council of Europe. Duplication should be avoided and existing structures should be capitalised on. The Council of Europe had spent years developing soft skills, which were hard to come by and could not be budgeted for in euros. Europe needed an identity and the Council of Europe was trying to foster one. The European Union should recognise that and support it. German taxpayers, who paid 40% of the European Union budget, but only 12% of the Council of Europe budget, would not understand why the European Union was setting up a new agency while the Council of Europe was in a pitiful state.

THE PRESIDENT. – Thank you. I call Mr Dees, who will be the last speaker.

Mr DEES (*Netherlands*) said that the Dutch Senate had rejected the proposed agency. He urged colleagues to look at what had been said and use the same arguments. The first argument addressed the question of what the added value of a European Union agency would be. He wondered if there was a deficit in human rights in the European Union, which he doubted. If there was, it remained the daily task of the European Commission, the European Council and the national governments to deal with it. It was also the role of the Council of Europe. If the deficit were restricted to European Union law, it was the job of the Dutch Government and members of parliament to deal with that. He did not want a Big Brother watching him in that task. The second argument concerned duplication. In the Council of Europe there was a long tradition of institutions, standards and Conventions. Duplicating that was a total waste of money. The third argument was that the proposal violated subsidiarity. If a set of arrangements were in place to monitor rights in 46 states, why should 25 of them monitor those rights separately at a supranational level.

THE PRESIDENT thanked Mr Dees and said it was nice to hear him speak in Dutch.

(The President continued in English)

I must now interrupt the list of speakers. The speeches of members on the speakers' list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the Official Report.

I call Mr Brok to reply very briefly. You have three minutes.

Mr BROK expressed gratitude for the discussion, which had clarified his thinking. The Council of Europe and the European Parliament were working together on the Stability Pact and, for instance, the European Parliament was leading on the development of parliamentary institutions in the Balkans. On the question of an agency for fundamental rights, he offered some advice. It was the sole example so far for potential collaboration between the two institutions. It might be a good idea to have an exchange of opinions between the relevant groups within the Assembly and the European parliament. Such an exchange would help to develop better understanding and would also be helpful in relation to future developments. Members on both sides should develop a resolve to move in that direction. He would underscore the position expressed today in the Assembly when he reported back. It was necessary to avoid any overlap between what the two parliaments were doing, a fact which also applied to the agency for fundamental rights. He recognised that the Council of Europe was the correct place to discuss human rights. However, he felt that overlaps could be avoided and that the two institutions could complement each other.

THE PRESIDENT thanked Mr Brok and said that he would be take up Mr Brok's proposals in the Bureau that afternoon.

(The speaker continued in English)

I call Mr Marty, the rapporteur, to reply. You have four minutes.

Mr MARTY (*Switzerland*) said that he believed it to be a straightforward exercise to sum up the debate: there was clear unanimity. Everybody realised that the discussion of human rights was not merely a symbolic exercise, instead there had to be a daily commitment to that difficult subject. He was struck by the fact that Council of Europe resources were being severely constrained, whilst at the same time the European Union was taking a parallel initiative. The matter should be put before national parliaments. National parliamentarians also had to stand up for their own institutions. Resources for both the Council of Europe and the Commissioner for Human Rights were being reduced and that affected the working of the whole machinery. He had very much appreciated Mr Brok's statement which was the beginning of a significant dialogue. He himself had contributed to the dialogue by attending a meeting in the European Parliament. Representatives of the Council of Europe had to be fully aware of the importance of the work of their own institution over the previous 50 years. Mr Brok's contribution had been excellent, and it was important to continue the dialogue.

THE PRESIDENT. – Thank you. I call Mr Kosachev, the rapporteur, to reply. You have four minutes.

Mr KOSACHEV (*Russian Federation*). – Thank you, Mr President, dear colleagues. While describing the idea of establishing the Fundamental Rights Agency in the European Union, Mr Dees used the phrase "Big Brother", and I really like that comparison. That definition was typical of Europe in the past. It was divided, while a certain country – I mean my country, the former Soviet Union – tried to play the role of Big Brother. We are risking the danger that that concept may be revived in a future Europe, without dividing lines, if we do not have this type of debate and if we do not find the appropriate solutions. The discussion today, which was unanimous, resulted in some basic conclusions that I would like to sum up.

First, the Council of Europe has experience and competence, which should be taken into account by the European Union. It is extremely important that the European Union is present at our meetings and discussions – as, for example, in the presentation by Mr Elmar Brok. We would welcome the constant representation of Brussels in Strasbourg. We would be happy if we could witness a similar debate about the relations between the Council of Europe and the European Union in the European Parliament, and we would like to ask Mr Brok to initiate such a debate.

Secondly, we definitely need a unified legal space in Europe. We cannot tolerate a situation in which there are different legal standards and laws in different situations and countries. We would welcome the accession of the European Union to our Council of Europe conventions, including, first, the European Convention on Human Rights.

Thirdly, we are definitely interested in developing our co-operation on different levels – on the level of our committees, our political groups and our parliaments. We would definitely support that. It is absolutely necessary to develop the existing quadripartite format of co-operation. The European Parliament and the Parliamentary Assembly should be involved.

Last but not least, there is the issue of duplication of functions. The European Union's Fundamental Rights Agency is the most typical example of that. We think that the Council of Europe has all the necessary competence and the necessary bodies. Those bodies could be used by the European Union as well. The Venice Commission and the Committee on the Prevention of Torture and other bodies could do the job for the European Union if needed.

For all those reasons, I am sure that any attempts to move the memorandum of understanding forward right now – for example, by signing it in May – without taking into consideration our debate and Mr Juncker's proposals would be a big mistake for our common continent of Europe.

THE PRESIDENT. – Thank you. I call Mr Ateş to reply on behalf of the Political Affairs Committee.

Mr ATEŞ (*Turkey*). – I thank Mr Brok for this exceptional dialogue. I hope that we will have more of these committees in the future. I thank our rapporteur and secretariat and the Committee on Legal Affairs and Human Rights and its secretariat for their excellent report.

THE PRESIDENT. – Thank you. The debate is closed. The Political Affairs Committee has presented a draft recommendation to which five amendments have been tabled (Document 10892). The Committee on Legal Affairs and Human Rights has presented a draft recommendation (Document 10894) to which no amendments have been tabled.

We will first consider the draft recommendation contained in Document 10892, presented by the Political Affairs Committee, to which five amendments and one sub-amendment have been tabled. They will be taken in the order in which they appear in the notice paper, as follows: 5 and the sub-amendment, 1 to 4.

I remind you that speeches on amendments are limited to one minute.

We come to Amendment No. 5, tabled by Mr Konstantin Kosachev, Mr Valery Grebennikov, Mr Kimmo Sasi, Mr Dick Marty and Mr György Frunda, which is, in the draft recommendation, after paragraph 9.2, insert the following sub-paragraph:

“ensure that the Assembly's opinion is fully reflected in the memorandum of understanding;”

Sub-amendment No. 1 to Amendment No. 5 has been tabled by Mr Abdülkadir Ateş, Mr Jean-Charles Gardetto, Mr Andreas Gross, Mrs Renate Wohlwend, Mr Tony Lloyd, Mr Luc Van den Brande, Mr Mátyás Eörsi and Mr Mats Einarsson, which is, in Amendment No. 5, replace the words “Assembly's opinion is fully reflected in the memorandum of understanding” with the following words: “Assembly is fully involved in the decision-making process relating to the final document”.

I call Mr Kosachev to support Amendment No. 5.

Mr KOSACHEV (*Russian Federation*). – The amendment speaks for itself. We want to be as clear as possible in the main message that we send out in the draft recommendation. We want the opinion of our Assembly to be taken into account by the Committee of Ministers and our partners in the European Union.

THE PRESIDENT. – I call Mr Ateş to support the oral sub-amendment.

Mr ATEŞ (*Turkey*). – The Assembly would like full involvement in the decision-making process and the drafting of the final document. That is the Assembly's right.

THE PRESIDENT. – Does anyone wish to speak against the oral sub-amendment? That is not the case.

What is the opinion of the mover of the amendment?

Mr KOSACHEV (*Russian Federation*). – The oral sub-amendment improves the wording of the amendment.

THE PRESIDENT. – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

The oral sub-amendment is adopted.

Does anyone wish to speak against Amendment No. 5, as amended? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 5, as amended, is adopted.

I have received an oral amendment from Mr Schmied which reads as follows: In the draft recommendation, in paragraph 9.3.1, after the word “justice” insert the words, “as well as sustainable development.”

I remind the Assembly of Rule 34 which enables the President to accept an oral amendment or sub-amendment only on the grounds of promoting clarity, accuracy or conciliation.

In my opinion the oral amendment does not meet the criteria of Rule 34.6 and therefore cannot be debated.

We now come to Amendment No. 1, tabled by Mr Wolfgang Wodarg, Mr Christoph Strässer, Mr Detlef Dzembitzki, Mrs Doris Barnett, Mrs Angelika Graf and Mr Paul Flynn, which is, in the draft recommendation, after paragraph 9.4.1, insert the following sub-paragraph:

“acknowledge that the Council of Europe must remain the benchmark for human rights in Europe, in particular ensuring that the EU bodies should recognise the Council of Europe as the Europe-wide reference source for human rights and act according to the findings of the relevant monitoring structures in a systematic way;”

I call Mr Wodarg to support Amendment No. 1.

Mr WODARG (*Germany*) said that they were talking about the Council of Europe as the reference institution for human rights in Europe and it should be recognised as such.

THE PRESIDENT. – Thank you. I understand that the Political Affairs Committee wants to propose an oral sub-amendment to Amendment No. 1: after the words “benchmark for human rights” to insert the words “rule of law and democracy”.

In my opinion the oral sub-amendment meets the criteria of Rule 34.6 and can be considered unless 10 or more members of the Assembly object. Is there any opposition to the oral sub-amendment being debated? That is not the case.

I call Mr Ateş to support the oral sub-amendment.

Mr ATEŞ (*Turkey*). – Our core principles involve human rights, rule of law and democracy, and the amendment mentions only human rights. We therefore want to add the rule of law and democracy.

THE PRESIDENT. – What is the opinion of the mover of the amendment?

Mr WODARG (*Germany*). – In favour.

THE PRESIDENT. – The committee is obviously in favour.

The vote is open.

The oral sub-amendment is adopted.

Does anyone wish to speak against Amendment No. 1, as amended?

That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 1, as amended, is adopted.

We now come to Amendment No. 2, tabled by Mr Wolfgang Wodarg, Mr Christoph Strässer, Mr Detlef Dzembritzki, Mrs Doris Barnett, Mrs Angelika Graf and Mr Paul Flynn, which is, in the draft recommendation, after paragraph 9.4.3, insert the following sub-paragraph:

“ensure the Commissioner for Human Rights becomes the European institution to which the EU, like all of the Council of Europe's member states, could refer all human rights problems that are not covered by the existing monitoring and supervisory mechanisms, as well as urging the Council of Europe member states to increase significantly the resources of the Commissioner's Office in order to enable the Commissioner to carry out this task;”.

I call Mr Wodarg to support Amendment No. 2.

Mr WODARG (*Germany*) said that the amendment would ensure that the Commissioner for Human Rights was fully recognised and given the appropriate means to carry out his work.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 2 is adopted.

We now come to Amendment No. 3 tabled by Mr Wolfgang Wodarg, Mr Christoph Strässer, Mrs Doris Barnett, Mrs Angelika Graf, Mr Detlef Dzembritzki and Mr Paul Flynn, which is, in the draft recommendation, after paragraph 9.4.5, insert the following sub-paragraph:

“ensure that the EU and the Council of Europe together devise a strategy and implement a mechanism to promote democracy, making full use of the Venice Commission's expertise and the new Forum on the Future of Democracy created by the Third Summit;”.

I call Mr Wodarg to support Amendment No. 3.

Mr WODARG (*Germany*) said that the Council of Europe should be drawing up a future strategy to promote human rights.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 3 is adopted.

We now come to Amendment No. 4 tabled by Tabled by Mr Wolfgang Wodarg, Mrs Doris Barnett, Mrs Angelika Graf, Mr Detlef Dzembitzki and Mr Paul Flynn, which is, in the draft recommendation, after paragraph 9.4.7, insert the following sub-paragraph:

“provide for the EU and the Council of Europe to make their inter-institutional relations more substantial, with meetings for the coordination of activities held at a high level, focusing on strategic issues and taking place at regular intervals, and with additional meetings dealing with urgent issues also possible;”.

I call Mr Wodarg to support Amendment No. 4.

Mr WODARG (*Germany*) moved the amendment formally.

THE PRESIDENT. – I understand that the Political Affairs Committee wishes to propose an oral sub-amendment: in Amendment No. 4, to replace the words “provide for the EU and the Council of Europe to make their inter-institutional relations” with the words, “to make the inter-institutional relations between the EU and the Council of Europe”.

So, the amendment would read, “to make the inter-institutional relations between the EU and the Council of Europe more substantial with meetings for the co-ordination of activities held at a high level, focusing on strategic issues and taking place at regular intervals, and with additional meetings dealing with urgent issues also possible;”.

In my opinion the oral sub-amendment meets the criteria of Rule 34.6 and can be considered unless 10 or more members of the Assembly object. Is there any opposition to the oral sub-amendment being debated? That is not the case.

I call Mr Ateş to move the oral sub-amendment.

Mr ATEŞ (*Turkey*). – The intention is merely to clarify and to make the amendment grammatically correct.

THE PRESIDENT. – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

The oral sub-amendment is adopted.

Does anyone wish to speak against Amendment No. 4, as amended? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 4, as amended, is adopted.

We will now proceed to vote on the draft recommendation contained in Document No. 10892, as amended.

The vote is open.

The draft recommendation in Document No. 10892, as amended, is adopted.

THE PRESIDENT. – We now turn to the report on the agency. The Committee on Legal Affairs and Human Rights has presented a draft recommendation. No amendments have been tabled.

We will proceed directly to vote on the draft recommendation contained in Document No. 10894. A two-thirds majority is required.

The vote is open.

The draft recommendation in Document No. 10894 is adopted.

I congratulate both rapporteurs, and thank them for their contribution to discussions with the Committee of Ministers on its final report. There is clearly broad support for the Juncker report. That should be taken into account, especially by the Chairman-in-Office. It is also clear that the Assembly wants to be involved in the decision-making process so that a clear message is sent to the Chairman-in-Office.

5. Belarus in the aftermath of the presidential election of 19 March 2006

THE PRESIDENT.– The final item of business this morning is the debate under urgent procedure on “Belarus in the aftermath of the Presidential election of 19 March 2006” presented by Mr Herkel on behalf of the Political Affairs Committee, Document No. 10890.

The list of speakers closed yesterday at 5.30 p.m. There are 15 names on the list and seven amendments have been tabled.

I remind you that we have already agreed that in order to finish by 1 p.m., we shall interrupt the list of speakers at about 12.40 p.m. to allow time for the reply and the vote.

We invited as guests the leader of the opposition of Belarus and a representative of the Belarusian Parliament. Owing to other obligations and the lateness of the invitation, which was due to the urgency of the debate, they were not able to join us and contribute to the debate as they did before the election. I received a letter from the Speaker of the Belarusian Parliament, in which he requested a dialogue. The letter has been distributed to members of the Political Affairs Committee, and I refer members of the Assembly to the committee if they want that information.

I call Mr Herkel, rapporteur. You have eight minutes.

Mr HERKEL (*Estonia*). – This is a long story. The last report appeared in January, before the presidential election, but the Assembly has followed developments in Belarus since 1992, when Belarus first applied to become a member of the Council of Europe. We can only regret the fact that it did not meet the Council of Europe's standards, and so could not become a member. In 1997 even Belarus's special guest status was cancelled, and it was never restored. My sad experience tells me that we can have little hope that it will be restored under the present regime.

My first point concerns legitimacy. This report does not refer to it, but my last report emphasised that the participation of Mr Lukashenko, as president, in the elections was problematic. Not only did the referendum held in October 2004 fail to comply with international standards; it contravened Belarusian law, as has been emphasised many times both by the Assembly and by the Venice Commission. Unfortunately, since the beginning of Lukashenko's regime a number of measures have been taken that are against democracy and law, such as the dismissal of the supreme soviet. But we are not talking about history on this occasion.

The second issue is whether or not we can interfere. Analysts in Belarus and other countries speak of sovereign democracy. Belarus is, of course, a sovereign state, but its standards of democracy cannot be separate; they must comply with our standards, and with those of many international organisations. There can be no such thing as democracy without pluralism, free media and free and fair elections. The vote that took place on 19 March was far from transparent from the point of view of observers.

We are not living in the old days of Westphalia. We are living at a time when there are many international conventions on fundamental rights, and human rights. Even Belarus is party to some of them. Our criticism is based on many international documents, and all my assessments comply with Council of Europe standards.

My third point concerns the electoral code and electoral practice, or malpractice, in electoral administration. It is impossible to have good elections with a bad electoral code; it is also possible to have bad elections with a good electoral code. I see many problems in the Belarusian electoral code, and even more in the administrative control of the election.

At least two of the problems are extremely important. First, equal opportunities must be guaranteed for opposition and government at all levels of electoral commissions. Secondly, I have never seen such limited rights for observers. The counting process was not transparent, and very few observers were independent or representative of outside opposition.

Even international observers were disturbed and our colleagues did not have visas for Belarus – Mr Zingeris, for example. Therefore, new elections or a rerun must take place in better circumstances with regard to electoral practice and conduct.

My last point is the fact that I have given more emphasis in this report to the role of the Russian Federation. Of course, that is connected with the fact that Russia is next to assume the presidency of the Council of Europe. However, there is another question in relation to the estimation by different observers of the conduct of the elections. Our Assembly was unable to send its delegation, but many of us came under the umbrella of the Organisation for Security and Co-operation in Europe observation mission. I fully agree with the conclusions reached by the OSCE.

At the same time, different opinions were offered by the Parliamentary Assembly of the Commonwealth of Independent States and the Russian Federation. From one side, the emphasis was on the non-transparent way in which the elections were conducted, intimidation and the arrest of opposition candidates. From the other side, the rhetoric was that the elections were extraordinarily calm and that the few problems were connected with the opposition, whose members did not follow the procedure.

This represents the gap in our values and the question that must be considered by our Organisation. So, we recommend that that question be discussed not only in the Parliamentary Assembly, but in the Committee of Ministers.

THE PRESIDENT (Translation). – Thank you, Mr Herkel. I call Mr Einarsson, on behalf of the Group of the Unified European Left.

Mr EINARSSON (Sweden). – The fact that Belarus is still unable to join the Council of Europe is a failure, not only for Belarus and its government, but for the Council of Europe. In the 1990s, a number of countries were accepted as members even though they did not meet all the democratic standards of the Council of Europe. Some of them still face serious problems in that area. Still, they were admitted with the aim of promoting and speeding up the process of political democratisation. That was a good decision, and without it Europe would be still be divided.

Unfortunately, the developments in Belarus and the actions taken by President Lukashenko made it impossible to continue the accession process and special guest status was suspended. I am convinced that that suspension can and will be lifted, sooner or later, if there are serious efforts on the side of the Government of Belarus and on our side.

There are those who depict Belarus as a Stalinist dictatorship with an oppressed and starved people who long for freedom and western capitalism. Frankly, such propagandistic enemy pictures do not help. Nor are we helped by an idealised image of an heroic country standing up against imperialist aggression.

We need a much more nuanced and realistic analysis of the situation in Belarus. There are definitely serious and unacceptable violations of democratic principles and standards in Belarus, especially perhaps with regard to working conditions for the media and the political opposition, as was shown before and after the presidential elections.

It is also true, however, that comparatively successful economic and social developments have resulted in substantial popular support for President Lukashenko and his policies, and it could be argued that we could find equally serious shortcomings in the political field in a number of Council of Europe member states. The latter does not justify the former, but we need the full picture.

The Group of the Unified European Left is focusing on three principles. First, there must be no compromise on democratic principles. Respect for democratic values and democratic procedures and for the expressed will of the people is not negotiable – not in Belarus, not anywhere. Secondly, there must be no double standards. We should measure Belarus against the same stick as any other country. The alternative to closing one eye is not to close both eyes, but to open them both. Thirdly, there must be no policy of isolation. The Council of Europe should continue its efforts to build dialogue with Belarus – the political opposition and civil society as well as the government.

The Group of the Unified European Left is convinced that that is not only the best, but the only way to promote democratic development founded on the will and aspiration of the citizens of Belarus.

THE PRESIDENT (Translation). – Thank you, Mr Einarsson. I call Mr Lloyd on behalf of the Socialist Group.

Mr LLOYD (*United Kingdom*). – I strongly agree with many of the comments made by our colleague Mr Einarsson, with perhaps one small nuance. The real tragedy is not that Belarus is being isolated by the outside world, but that Belarus chooses instead to isolate itself. That is the fundamental problem.

We saw that the recent elections were not acceptable by any standards, but the paradox is that many people believe, because of the relative economic success of Belarus, that President Lukashenko might have won the elections had they been free and fair. That is what makes it almost perverse that we are debating today flawed elections that might have been won by that candidate had he chosen to make them proper and fair.

All of us in this Chamber must stand absolutely by the principle that democratic standards are not a negotiable space that we can trade off or compromise on in respect of other forms of negotiation. We must insist on acceptable democratic standards in all our countries – my country and all the countries represented in this Chamber. That is just so with the situation in Belarus.

We know that the elections were flawed, but sadly the script was almost written in advance. We could see the process moving through to flawed elections. The lack of freedom for civil society and the lack of opportunity for proper media scrutiny of the electoral process meant that the elections could not be considered acceptable. Often, those are the most important ways in which elections are traduced by those who would so seek, rather than through rigging the ballot on the day.

The Council of Europe must stand in condemnation of those flawed elections. It is important, certainly for the Socialist Group, that we state clearly that our insistence on democratic standards is a necessity. It is true that there must be no double standards and we must achieve such conditions uniformly, but we must respond to Belarus not by saying that the Council of Europe might or might not have got such debates wrong in the past. What is important is that the Council of Europe insist to President Lukashenko that, if he wants to be part of the European family, the price that Belarus must pay for entry is acceptable standards.

That is the case not because these matters are of concern here in France or in my own country, but because they are of concern in Belarus. The Belarusian people have been robbed of their democratic elections due to what took place some weeks ago.

I want to share a request with Mr Herkel. Very soon, the Russian Federation will assume the presidency and become the Chairman-in-Office of the Council of Europe. We know that Russia has more influence over events in Belarus than any other nation. I appeal to our Russian colleagues to use their undoubted influence constructively. Belarus must be helped to move into the mainstream of the European family. Moscow can play an important role in that. If we want to avoid double standards, one thing that we must do is insist that we no longer have the bizarre situation in which the OSCE and other international bodies say one thing and the CIS says something totally different.

Let us act together and insist that democracy is in all our interests. Let us bring Belarus into the European family.

THE PRESIDENT (Translation). – Thank you. I call Mr van Winsen on behalf of the Group of the European People's Party.

Mr VAN WINSEN (*Netherlands*). – Not long ago, in January, we in this Assembly analysed the situation on the eve of the elections. It was a good discussion but we were very concerned because we feared the outcome of the elections. Unfortunately, the elections did not meet international standards in any way.

The rapporteur, Mr Herkel, provides a clear survey of the most important facts in his memorandum on the elections, preparation for the elections and what happened on election day. The survey demonstrates to the international community that the election result was not in accordance with free voting and ignored the will of the majority of the Belarusian people.

The events that followed the election demand a clear, firm and co-ordinated response from this Assembly. We should respond to the total lack of respect for peaceful protest. That means that we should condemn intimidation, pressure, persecution and other violent action. We should express our deep concern at the loss of independence for workers and trade unions and the risk of jobs being lost. We should be concerned about the students who have been refused access to university and education. That presents a real danger to Belarus as it might lose a well qualified young generation. We therefore welcome initiatives from several member states to enable students to study abroad. Such study and experiences are needed for the development of the country.

We must avoid the total isolation of Belarus. That is not in the interests of that country, its neighbours or Europe. The destabilisation of this important region will jeopardise our efforts for common developments.

The Council of Europe has a special position with regard to Belarus. I therefore welcome the initiative of its President to create an information centre to support democratic processes. The Russian Federation has a unique opportunity to unlock a door that has been closed until now. We call upon the Russian Federation, and especially the members of the Russian Parliament in this Assembly, to use their influence, particularly on behalf of the Russian presidency of the Council of Europe in May or June.

Although there are different interpretations of the results of the Belarusian elections, efforts must be made to create a common strategy on the prospects for Belarus. Mr Sergei Lavrov, the Russian Federation's Minister for Foreign Affairs referred in Berlin on 5 April to "not isolating this country, but finding solutions through dialogue and engagement." I totally agree with him.

THE PRESIDENT (Translation). – Thank you. I now call Mr Eörsi, who will speak on behalf of the Alliance of Liberals and Democrats for Europe.

Mr EÖRSI (*Hungary*). – The Liberal group fully agreed with Mr Lukashenko when he said, "Belarusians cannot be strangled, they cannot be manipulated". However he also said that the opposition should not humiliate the country. That leads me to ask several questions.

If there is a country where university students and civil servants are forced to take part in the parliamentary elections under the threat of being fired from their jobs or places at university, that is a humiliation for that country, but it was not inflicted by the opposition but by the government. If there is a country in which a new penal code is introduced before the elections that puts members of non-governmental organisations into jail for the crime of wanting to observe the elections, that is a humiliation for that country, but it was not inflicted by the opposition but by the government. If there is a country where there is no independent media because there is a desire to prevent the people from understanding different ideas and where the last three independent newspapers were closed one week before the election, that is a humiliation for the country, but it was inflicted not by the opposition but by the government.

If there is a country in which after the elections more than 1 000 people are arrested – and not only Belarusians but Poles, Lithuanians, Canadians and Russians – that is a humiliation for that country, but it was inflicted not by the opposition but by the government. For example, Alexander Kozuljev is now in jail facing five years' imprisonment for the crime of being an opposition candidate. That is a humiliation for the country but it was inflicted not by the opposition but by the government.

If there is a country where after elections all the prisons in the capital city are full so that prisoners are taken to closed cities to be arrested and put in jail, that is a humiliation for that country, but it was inflicted not by the opposition but by the government.

In Budapest, we went to demonstrate in front of the Belarusian embassy, which was protected by the police. Similar events occurred in other European countries. If a country's embassy must be protected by the police on its election day, that is a humiliation for that country, but it was inflicted not by the opposition but by the government.

What can we do? Of course, we should draft resolutions and reports, but we should go beyond that. I am convinced that we must be united. Democrats from all over Europe and from whatever party they represent must make it clear that what happened in Belarus was wrong. I underline the importance of being united, and on that point I turn to my Russian colleagues as they will take the presidency of the Council of Europe. Like no other nation, the Russians know what a bitter dictatorship means and they remember Stalin who said that it does not matter how people vote but that what matters is who counts the votes. I am sure that Russians will join the democratic world in expressing the view that what happened in Belarus was wrong. I ask Russian colleagues to join the liberal democrats of Europe in condemning what happened in Belarus.

I repeat what Mr Lukashenko said, "Belarusians cannot be strangled, they cannot be manipulated" or humiliated. To stop that happening, Lukashenko must go.

THE PRESIDENT (Translation). – Thank you. I now call Mr Choje on behalf of the European Democratic Group.

Mr CHOJE (*United Kingdom*). – The European Democratic Group welcomes this urgent debate. As the report of the Political Affairs Committee makes clear, what happened during the election campaign was a bitter disappointment. I commend to the Assembly the comments of William Hague, the shadow UK Foreign Secretary. Writing in *The Times* of London last month, he said "Those who try to justify the behaviour of the Lukashenko government on the ground that some of its policies appear to be effective should remember that the record of applauding authoritarian regimes for their efficiency is not a happy one. Freedom of expression and the rule of law are not ideals to be sacrificed in return for the trains running on time".

What is the way forward? I would like to support strongly paragraph 12 of the draft resolution, which calls for "a framework for dialogue and structured co-operation with the representatives of the Russian Federation to the Assembly" to achieve Russian support for democracy, the rule of law and human rights in Belarus.

I hope the forthcoming Russian chairmanship of the Council of Europe will bring that about. I hope that the Russian Federation has noted what *The Economist* magazine said on 18 March. "Mr Lukashenko's regime is unsustainable. His elderly supporters are dying. In the internet age, with democratic neighbours to the west, his information blockade must crumble. The Belarusian miracle cannot last".

Belarus is a challenge for the Council of Europe. With the Russian Federation in our membership we should surely be taking the lead. Why are we leaving it to the European Parliament to investigate disappearances? Why is not the Council of Europe taking the lead on this issue?

Paragraph 6 of the draft resolution calls for a Council of Europe information centre to be set up in Belarus. I support that but how would it be funded? We know that the European Union has been spending £6 million on promoting democracy in Belarus. Why will not the member states of the EU give money to the Council of Europe so that we can afford to set up this information centre in Belarus? Why are we always finding that our initiatives are being undermined by our rivals who are seeking to get in on our territory?

The more we cede responsibility to the European Union and the European Parliament on issues such as this, which are at the core of our being, the more we undermine our own legitimacy and pre-eminence, the very point that was made in a previous debate.

While welcoming the report I would have preferred it to be less congratulatory of the European Union and the European Parliament and that it had recommended more involvement by the Council of Europe.

THE PRESIDENT (Translation). – Thank you. I call Ms Vésaitė.

Ms VĖSAITĖ (*Lithuania*). – Today the members of the Political Affairs Committee received an appeal from the chairman of the house of representatives of the National Assembly of the Republic of Belarus, Vladimir Konoplev. He wrote "The presidential election in Belarus has been conducted in full accordance with the national legislation." If that is the case, it means that that legislation is against international standards.

Perhaps Mr Konoplev could explain why certain observers, MPs and two members of this Assembly, including myself, were refused entry visas. They gave no reason or explanation. Why were some international representatives from NGOs sent out of the country just before the elections? Why were the limited numbers of international observers not allowed to participate in vote counting? Why were opposition representatives not allowed to participate in the electoral commission at all levels?

Belarusian national legislation is far away from international standards and should be revised. Lukashenko has no democratic credentials and will not stay in power for long. We also should state that Belarusian society is not yet ready for democratic changes. Part of the population was frozen with fear while the rest were misguided by Lukashenko propaganda. We should consider how we give practical support to the democratic opposition in Belarus and to the ordinary people there.

During the conference in Prague, the opposition forces, representatives of NGOs and academics spoke with one voice on not isolating the ordinary Belarusian people. We in the Council of Europe should build bridges between academics, cultural people, young people and others in Belarus and those in Council of Europe countries.

If we really care for democracy we must endorse the partnerships between the political parties of the opposition and the relevant political parties in Council of Europe countries. The opposition political parties, including communists, social democrats and conservatives, are infected with the virus of democracy.

I am in favour of a visa ban but not economic sanctions, which will affect first of all the ordinary Belarusian people. Only joint efforts by European democratic societies including Russia can make a change in Belarus and return that country to the Council of Europe family.

THE PRESIDENT (Translation). – Thank you. I call Mr Kolesnikov.

Mr KOLESNIKOV (*Russian Federation*) said that the Assembly was holding another urgent debate on the post-election situation in Belarus. It had also discussed the situation before the elections. As in the Organisation for Security and Co-operation in Europe everyone was negative. However, from the beginning it was obvious that there would be flaws in the process. Those who wanted to find fault would be able to do so, but there was much bias in the views they had expressed. Whatever Belarus did to address concerns was ignored. He himself had visited nine polling stations in Belarus, where he spoken to dozens of people who were voting and asked them their views. They proudly told him that he would find out once the votes were counted. The very high turnout of 93% was a result of the efforts of the outside world to isolate the country with anti-Belarusian statements.

There was a call in the draft resolution for sanctions. He rejected that on the basis that it would not be a constructive move. Likewise, the call for new elections would not help efforts to build trust and dialogue between the Council of Europe and Belarus. The statement by Belarus had not been given enough publicity so he would quote from it. It said that Belarus had been under political and diplomatic pressure over the elections, but that they had been held in a calm manner and in a way that was consistent with Belarusian law and relevant international standards. There had been some problems, but those did not have an impact on the outcome of the elections. There had been attempts to blackmail Belarus, but they would not succeed because they were a crude attempt to interfere in the internal affairs of a sovereign state.

THE PRESIDENT (Translation). – Thank you. I call Mr Iwiński.

Mr IWIŃSKI (*Poland*). – Allow me to kick off by fully supporting Mr Herkel's report and the draft resolution adopted by the Political Affairs Committee. It is our duty to support the democratic forces in Belarus. We have an obligation to keep an eye on what is going on in the one and only European country that does not belong to our Organisation because it does not meet the appropriate standards.

The issue of Belarus is of particular importance for parliamentarians and governments, not to mention the average man in the street, in neighbouring states such as Poland. We have a very long border with our neighbour, and the Polish community in Belarus numbers quarter of a million. The human rights situation in Belarus has to remain a matter of concern. We must point out the undemocratic conduct of the presidential election four weeks ago, stress the peculiarities of the Belarusian media system, and demand clarification on the disappearance of leading politicians. At the same time, however, we cannot perceive Belarus as a so-called black hole. The country, for example, is playing an important role in the international anti-terrorist campaign.

Our Assembly's main priority in Belarus should be its civil society. I welcome the positive role that a Council of Europe information centre based in Belarus could play. However, I very much regret, with reference to the letter from the speaker of the Belarus Parliament, that none of its representatives is able to take part in our debate.

There is a long history of relations between our Assembly and Belarus. November will see the 10th anniversary of the last official visit of our delegation, which I had the honour of chairing. After long discussions with President Lukashenko, we decided to propose the suspension of special guest status for Belarus, because of the undemocratic measures taken at that time by the authorities in Minsk. Since then, we have had many contacts, including round table meetings, which have turned out to be useless.

The main challenge we have faced recently can be formulated in the following way: how do we isolate the autocratic Belarusian authorities without isolating Belarusian society? To be frank, so far, neither the EU nor our Organisation has found an answer to that, despite many resolutions and despite the special conference in Prague in February. It is not easy to respond properly to that challenge.

To my mind the idea of facilitating access to European institutions for Belarusian citizens while simultaneously introducing flexible visa regimes that favour those Belarusians who represent civil society and students could be particularly significant. By the way, Poland has already taken such decisions.

I share the rapporteur's view that qualitative progress in Belarus cannot be achieved without the active support of Russia. Let us capitalise on the incoming Russian chairmanship of the Council of Europe.

Last but not least, it will soon be the 20th anniversary of the Chernobyl accident, which brought tragic consequences to the Belarusian people and to Ukraine. The European Union should continue its humanitarian, technological and economic assistance to enable full recovery from the tragedy.

THE PRESIDENT (Translation). – Thank you.

I must now interrupt the list of speakers. The speeches of members on the speakers' list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the Official Report.

I call Mr Herkel, the rapporteur, to reply. You have four minutes.

Mr HERKEL (*Estonia*). – We are not talking about a policy of isolation; what happened in Belarus, unfortunately, was self-isolation. Our position is dialogue. That is why we have had several documents, always repeating the same things. As the first speaker, Mr Einarsson, said, there must be no compromise on democratic principles. We must protect people who are political prisoners detained in connection with peaceful demonstrations. We must protect those expelled from universities, which is a huge problem in Belarus. We must protect those who are dismissed from their jobs.

What about sanctions? Sanctions were implemented by the EU – a visa ban and the freezing of assets – as proposed by our Organisation. That is logical. The sanctions are not against the people of Belarus but against those who have taken serious steps against democratic measures and officials who conducted the elections. There are only 31, but the circle is probably even wider.

I am happy that at least one member of the Russian delegation, Mr Kolesnikov, had the chance to take the floor. But he provided an example of how far apart our estimates are of the situation. His estimation was that the elections were very calm; mine is that, yes, at lunchtime at the polling stations, things were quite calm, but there was no transparency allowing observers to follow what was actually happening or how the basic numbers in the protocols were composed. We did not even have access to basic data on how many voters voted on election day or on early voting, and early voting can be

problematic even in countries with well developed democratic cultures. The situation is extremely complicated in countries such as Belarus.

The difference in our estimates probably provides a starting point for dialogue with our Russian colleagues. I think the models of democracy used by many Russian analysts are strange because the state must be sovereign but democracy has universal principles.

Those are reflected in our standards and in those of many international organisations. There is no democracy independent from the free will of the peoples.

THE PRESIDENT (Translation). – Thank you. I call Mr Ateş to reply on behalf of the Political Affairs Committee.

Mr ATEŞ (*Turkey*). – Belarus has been in isolation for a long time – since 1997. Despite all the efforts of the Council of Europe, the Inter-Parliamentary Union and other international organisations, there has been no improvement at all. Democratic values and human rights are violated, but we cannot simply say that we will have nothing to do with Belarus or that we will just forget about it. Whatever we do, we do for the people of Belarus. Writing reports and passing resolutions is fine, but we have to take further steps for the sake of the Belarusian people. I do not care which government will be in power. I do not support the Lukashenko government or the opposition. The Council of Europe had a meeting in Prague before the elections at which we tried to do something for the people of Belarus. We do not take sides in the political race. This is a good report and Mr Herkel worked very hard on it, but that and the resolution are not enough to solve this situation. The Political Affairs Committee and its sub-committee will keep working until we find an acceptable solution for Belarus.

THE PRESIDENT (Translation). – Thank you. The debate is closed.

We will first consider the draft resolution presented by the Political Affairs Committee, to which seven amendments have been tabled. They will be taken in the order in which they appear in the notice paper, as follows: 1, 3, 4, 2, and 5 to 7.

I remind you that speeches on amendments are limited to one minute.

We come to Amendment No. 1, tabled by Ms Birutė Vėsaitė, Mrs Carina Hägg, Mrs Carina Ohlsson, Mrs Birgitta Ahlqvist and Mr Emanuelis Zingeris, which is, in the draft resolution, paragraph 4, replace the words “The limited role of independent observers – including international ones – “ with the following words:

“Refusal of the Belarusian authorities to issue visas for international observers from Council of Europe member states, limitation of the rights of observers according to Council of Europe standards”.

I call Ms Vėsaitė to support Amendment No. 1.

Ms VĖSAITĖ (*Lithuania*). – The amendment speaks for itself.

THE PRESIDENT (Translation). – I understand Mr Ateş wishes to propose an oral sub-amendment to Amendment No. 1 on behalf of the Political Affairs Committee: to replace the word “according” with the word “contrary”.

In my opinion, the oral sub-amendment meets the criteria of Rule 34.6, and can be considered unless 10 or more members of the Assembly object. Does anyone object to the oral sub-amendment being debated? That is not the case.

I call Mr Ateş to support the oral sub-amendment.

Mr ATEŞ (*Turkey*). – The amendment speaks for itself.

THE PRESIDENT (Translation). – Does anyone wish to speak against the oral sub-amendment? I call Mrs Oskina.

Mrs OSKINA (*Russian Federation*) said that this was a vexatious sub-amendment because Belarus no longer had status as a special observer to the Council of Europe and had not therefore sent any invitations to the Council to observe the elections.

THE PRESIDENT (Translation). – The committee is in favour.

The vote is open.

The oral sub-amendment is adopted.

Does anyone wish to speak against Amendment No. 1, as amended? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT (Translation). – The vote is open.

Amendment No. 1, as amended, is adopted.

We now come to Amendment No. 3, tabled by Mr Bart van Winsen, Mr Andreas Gross, Mr Anders G. Högmark, Mr Oskars Kastēns and Mr Göran Lindblad, which is, in the draft resolution, paragraph 9.5, after the words “Council of Europe standards,”, insert the following words:

“and addressing the malpractice of the administration in electoral matters”.

I call Mr van Winsen to support Amendment No. 3.

Mr van WINSEN (*Netherlands*). – The amendment is intended to achieve consistency. Inserting the wording sends a signal that malpractice is unacceptable not only in this election but in general.

THE PRESIDENT (Translation). – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT (Translation). – The vote is open.

Amendment No. 3 is adopted.

We come to Amendment No. 4, tabled by Mr Bart van Winsen, Mr Göran Lindblad, Mr Emanuelis Zingeris, Mr Kimmo Sasi, Mr Andreas Gross, Mr Anders G. Högmark, Mr Oskars Kastēns and Mr Tony Lloyd, which is, in the draft resolution, after paragraph 9.5, add the following sub-paragraph:

“accede to the opposition's demand for a re-run of the presidential election, and ensure the pre-conditions exist for it to be free, fair and respectful of international standards.”

I call Mr van Winsen to support Amendment No. 4.

Mr van WINSEN (*Netherlands*). – As with Amendment No. 3, we are saying that the situation is not acceptable and we hope that future elections will be better.

THE PRESIDENT (Translation). – Does anyone wish to speak against the amendment? I call Mr Kolesnikov.

Mr KOLESNIKOV (*Russian Federation*) asked how it was possible for Mr van Winsen to hold a re-run of the Belarus elections.

THE PRESIDENT (Translation). – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT (Translation). – The vote is open.

Amendment No. 4 is adopted.

We come to Amendment No. 2, tabled by Ms Biruté Vėsaitė, Mrs Carina Hägg, Mrs Carina Ohlsson, Mrs Birgitta Ahlqvist and Mr Emanuelis Zingeris, which is, in the draft resolution, after paragraph 10.3, add the following sub-paragraph: "endorse exchanges between the political parties of the Belarusian opposition and relevant political parties in Council of Europe countries and between groups in civic society."

I call Ms Vėsaitė to support the amendment.

Ms VĖSAITĖ (*Lithuania*). – The Belarusian opposition consists of many political parties, ranging from the right to the left, and including communists, all striving for democracy. That is why we want to insert the sub-paragraph.

THE PRESIDENT (*Translation*). – Does anyone wish to speak against the amendment?

That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT (*Translation*). – The vote is open.

Amendment No. 2 is adopted.

We come to Amendment No. 5, tabled by Mr Bart van Winsen, Mr Emanuelis Zingeris, Mr Kimmo Sasi, Mr Andreas Gross, Mr Anders G. Högmark, Mr Oskars Kastēns and Mr Tony Lloyd, which is, in the draft resolution, at the end of paragraph 11, add the following words: ", in particular as regards the visa-ban against a number of Belarusian officials and the freezing of assets".

I call Mr van Winsen to support the amendment.

Mr van WINSSEN (*Netherlands*). – We want to formulate the package of sanctions decided by the European Union in a more concrete fashion. We want to underline the importance of two concrete measures relating to the visa-ban and the freezing of assets. There is no mention here of economic sanctions.

THE PRESIDENT (*Translation*). – Does anyone wish to speak against the amendment?

I call Mrs Oskina.

Mrs OSKINA (*Russian Federation*) said that the debate had been a good lesson in double standards. The Assembly wanted to take a decision to slam the door on Belarus. That was hardly consistent with developing relations with Belarus. She asked the President why he would not let her speak when she wanted to.

THE PRESIDENT (*Translation*). – I am sorry, I did not see you.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT (*Translation*). – The vote is open.

Amendment No. 5 is adopted.

We come to Amendment No. 6, tabled by Mr Bart van Winsen, Mr Andreas Gross, Mr Anders G. Högmark, Mr Oskars Kastēns and Mr Göran Lindblad, which is in the draft resolution, paragraph 12, after the words "structured co-operation with the representatives of the Russian Federation to the Assembly", insert the following words: "involving also the Committee of Ministers,".

I call Mr van Winsen to support the amendment.

Mr van WINSEN (*Netherlands*). – In paragraph 12 of the resolution, many Assembly members have stressed the key role of the Russian Federation. We want to extend responsibility to include the Committee of Ministers.

THE PRESIDENT (*Translation*). – Does anyone wish to speak against the amendment?

I call Mr Sobko.

Mr SOBKO (*Russian Federation*) said that, given that the view of the Russian Federation was supposed to be so important, he could not understand why members of the Russian Federation had been put at the bottom of the speaking list and thus had not been called. Voltaire said that he may not have agreed with the opinions of other people, but he would lay down his life to protect their right to have them.

THE PRESIDENT (*Translation*). – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT (*Translation*). – The vote is open.

Amendment No. 6 is adopted.

We come to Amendment No. 7, tabled by Mr Bart van Winsen, Mr Andreas Gross, Mr Anders G. Högmark, Mr Oskars Kastēns and Mr Göran Lindblad, which is, in the draft resolution, paragraph 14, after the words “the Belarusian Electoral Code”, insert the following words: “and address the malpractice of the administration in electoral matters”.

I call Mr van Winsen to support the amendment.

Mr van WINSEN (*Netherlands*). – Paragraph 14 of the resolution invites the Venice Commission to make proposals for change. We think it unnecessary to wait for its opinion, and we consider that our amendment improves the paragraph.

THE PRESIDENT (*Translation*). – Does anyone wish to speak against the amendment?

I call Mrs Oskina.

Mrs OSKINA (*Russian Federation*) said that before the election it was announced on television there would be some violations, but that they would not be significant or alter the outcome. She found the Assembly guilty of double standards in criticising a democratic vote.

THE PRESIDENT (*Translation*). – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT (*Translation*). – The vote is open.

Amendment No. 7 is adopted.

We will now proceed to vote on the draft resolution contained in Document No. 10890, as amended.

The vote is open.

The draft Resolution in Document No. 10890, as amended, is adopted.

The Political Affairs Committee has also presented a draft recommendation, to which no amendments have been tabled.

We will proceed directly to vote on the draft recommendation contained in Document No. 10890.

The vote is open.

The draft recommendation in Document No. 10890 is adopted.

Before we end the sitting, let me thank all who have spoken, including the rapporteurs.

6. Date, time and orders of the day of the next sitting

THE PRESIDENT (*Translation*). – I propose that the Assembly hold its next public sitting this afternoon. I remind Members that exceptionally it will start at 2 pm with the orders of the day which were approved on Monday.

Is that agreed?

It is agreed.

(The sitting was closed at 1.10 p.m.)

CONTENTS

1. Minutes of proceedings
2. Time limit on speeches
3. Organisation of debates
4. Follow-up to the Third Summit: Relations between the Council of Europe and the EU

Presentation by Mr Kosachev, on behalf of the Political Affairs Committee, of report (Doc. 10892)

Presentation by Mr Marty, on behalf of the Political Affairs Committee, of report (Doc. 10894)

Speakers:
 Mr Brok (Chairperson of the Committee on Foreign Affairs of the European Parliament)
 Mr Walter (United Kingdom)
 Mr Kox (Netherlands)
 Mr Severin (Romania)
 Mr Van den Brande (Belgium)
 Mrs Severinsen (Denmark)
 Mr Steenblock (Germany)
 Mr Schreiner (France)
 Ms Christoffersen (Norway)
 Mr Badré (France)
 Mr Lintner (Germany)
 Mr Hunault (France)
 Mr Wodarg (Germany)
 Mr Dees (Netherlands)
 Mr Ateş (Turkey)

Amendments Nos. 1 (as amended), 2, 3, 4 (as amended) and 5 (as amended) adopted.

Draft recommendation contained in Doc. 10892, as amended, adopted.

Draft recommendation contained in Doc. 10894 adopted.
5. Belarus in the aftermath of the presidential election of 19 March 2006

Presentation by Mr Herkel, on behalf of the Political Affairs Committee, of report (Doc. 10890)

Speakers:
 Mr Einarsson (Sweden)
 Mr Lloyd (United Kingdom)
 Mr van Winsen (Netherlands)
 Mr Eörsi (Hungary)
 Mr Chope (United Kingdom)
 Ms Vésaitė (Lithuania)
 Mr Kolesnikov (Russian Federation)
 Mr Iwiński (Poland)
 Mr Ateş (Turkey)

Amendments Nos. 1 (as amended) and 2 to 7 adopted.
Draft resolution contained in Doc. 10890, as amended, adopted.

Draft recommendation contained in Doc. 10890 adopted.
6. Date, time and orders of the day of the next sitting